P 1/24

App F IX-4]

1925.

File No. 33-25

Previous References. (Mangalore)

Serial Nos. 1-6

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 6

Part B for January 1926

SUBJECT

Furnishing of annual accounts & report in respect of Poopalli Subbiah Chetty's Choultry near the City Railway Station Bangalore —

No. 379 dated 31.12.25 — To the Mang. Com

The petitioner may be informed to furnish the accounts in question

G. R. S. 11] 1925-6

GENERAL AND REVENUE SECRETARIAT.

Mug)

NOTES.

File No.33 25

FILE HEADING.

Endowment made for the upkeep of Palepalli Subbiah Setty's Choultry near the City Rly. Station, Bangalore.

From

Mr B. Chinnasamy Setty, Visveshwaram, Bangalore City.

No. P. 30	Dated 26-7-25	Received
Diary No. 1756	Enclos 2 Spare Copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

~~Solicitor~~ Contends that ~~he~~ under the Charitable Endowt Rules of 1892, under which the endowt of Rs 30000 made by the late Mr Subbiah Setty was accepted, he is not bound to furnish accounts of income & expenditure to the officer, who countersigns the bills subt for drawing interest on the deposit

NOTES AND ORDERS.

On a reference made by the Mug. Comr to Govt in the matter, the case was considered & orders passed to the effect that Mr Chinnasamy Setty was bound to furnish accounts of income & expenditure to the countersigning officer - Please see members

NOTES—First Sheet.

Muzrai Secretariat | Muz. File No. 33 of 1925.

Serial No.

minutes in para 11 of the office note in Muz: file no. 193-24 and Lr. No. 1183-4 dt. 5-2-25 issued accordingly-

2 The grounds urged by Mr. Ekambara mu setti for his not furnishing the accounts to the countersigning officer have been fully discussed in the above file-

3. Subd. for orders as to whether Mr. Ekambaranu setty may be given an endt. accordingly-

sd 18/8/25

4. The Endt. granted by the Muz Commr. follows the Govt. order, and all the reasons adduced by the Petr. again the M.C.'s order appealed against- have already been considered and rightly. The Petr. may be informed that Govt. regret that there are no fresh grounds for a reconsideration of the order already passed in the matter.

RA 19-8-25

5. The Petition may be rejected (with regard to members' remarks in the Petition)

A. 8 25

Rejected

(Sd) [illegible] member

WD 0561—GPB—3750—1 8 22 25-8-25

31 8 25.

NOTE—Contn. sheet 871

31.8

Sept

3

Serial No.

6. The Muz: Comrs may be asked to ascertain & report what is the nature of the accounts which his donor has been asked to furnish. The Dy Officer. (and to whom he is taking objection)

ST 8/24/25

7. It will be seen from the Muz: Comrs letter no. A/cs. 8 of 26-25 & 27-12-24 (SC no 1 of Muz 193-24) that the accounts which the donor has been asked to furnish with his bill for drawing interest on the deposit & to which he has taken objection is the annual accounts of income and expenditure of the charities and a brief report on the administration of the charity - Mr. Chinnasami Chetty objects to furnish the above on the ground that the G.O. No. 492-500 & 9-8-1892 under which the deposit was received does not prescribe that condition and that the - exacted by the Donor under the order did not impose that condition -

& Subd for orders as to whether a draft letter to the Muz: Comr is to be issued

JVD 0561—GPB—3750—1 8 22

SD 4-9-25 BL 182 -25

5-9-25.

158/5.

Aug. 33 of 25–26.

9. Draft order for advance as proposed

(Mr C. Reddy who saw me complained that he was asked to submit full details of his expenditure from time to time. This I think, is unnecessary; and it is for the Superintendent of the Jail to call for a statement of his expenditure under each item of the year, the accounts thereof being made available for inspection if the Superintendent wants any such details.)

12/9 a/s - Vaycom
14/9
14.9.25.

10. Draft ordered -
15/9/25

11. Rec'd Regd) 17.9.25.

12. 1st reminder 21/9 22.9.25.

621/20.9

23/9

Issued 20.9.25

Sl. 2. To Municipality
No 3678/H 30.9.25
Requests him to ascertain & report as to the nature of the cases which the petitioner was asked to furnish by the TK Office & to which he is objecting

Serial No 3

From the Mug: Comr., letter no. C.349 of 25-1
25-11-25

States that Mr. Chinnasawmy chetty was called upon to furnish an annual report on the administration of the charity with a brief statt of accounts of income & expenditure —

14. Refee. Members minutes in para 9.

It will be seen from the M C's letter & its enclosures that Mr. Chinnasawmy chetty was required to furnish only a brief statement of accounts of income & expenditure, with an annual report on the administration of the charity

15. Kind refee is also invited to G.O. No. 1183-4/Mis. 193-24-2 dt 5-2-25 stating that Mr. Chinnasami chetty could not be exempted from the obligation to maintain & furnish accounts

16. Mr Chinnasawmy chetty does 10/11/25 not wish even to make his Accounts available for inspection by Govt Officers, this the submission of an annual report and a brief statt of the accounts relating to the charity. Concessions have been prescribed, as a condition to the grant of subsidy on the Endowed Annuities. Departmental instructions have been laid down in G.O.M.S. No. 4020-70/S.M. 394-70-12 dated 5th Nov 26

App. F. III—2]

File No. of 192

General and Revenue Secretariat

Serial No.	

NOTE—Contn. Sheet

Mg File No. 33 of 1925-6

Serial No

For the guidance of the Countersigning Officers, and these should be noted on in the case of Mr. Chinnaswami Chetty

19.11.25

17 Did the Amildar call on Chinnaswami Chetty for examining the accounts? If a refusal.

14.11.25

18. It is stated in the Dy. Comrs endorsement to Mr. Chinnaswami Sctty, that the Amildar will, if necessary, call for ~~the~~ and examine the original accounts.

19. It does not appear from the records that the Amildar called for the original accounts and got a refusal.

16.11.25

17.11.25

20 Submitted upto to members minute in para 9.

18.11.25

(8 Members)

451
19.11

21. I/c the contention of Mr C. Chetty have no legal right to call on him to produce accounts [illegible] Vide

22. I do not think the forms will be given [illegible] Vide L. Letters

20/21.11.25 [illegible] 21/11

NOTE--Contn Sheet

App. F. III—2]

File No. of 192

General and Revenue Secretariat

Serial No.

NOTE—Contd. Sheet

Revenue Secretariat

File No. 33 - of 1925.

Serial No

23. Papers relating to the deposit of Rs 30000 & the bond executed by the donors or the managers of the references required before any opinion can be expressed regarding the merits of the contents thereof. These papers may kindly be called for & put up.

Revenue 7
with Comptr 15

24-11

24/11

24. Mysore file 22 of 1897 3 containing (1) G.O. No. 23, Dated (Camp) Mysore, 18-7-92 accepting the deposit of Rs 12000 and (2) G.O. No. 333-5/22-92 & 24-9-94 accepting a deposit of Rs 18000, is put up.

25 As the bond may be with the Comptr, a draft letter calling for it is put up for approval.

26/11/25 26-11-25

26-11-25.

26. Ler (Rev Secy) 27 1) ⇒ appd.

28/11.

25 2) meantime Mukund may be intd. & draft bond sent to us.

4. To the Comptroller No. 671 of 30-11-25 28-11-25

Request that the bonds executed by the donors may be kindly sent to this office early for reply.

29 The file has come

Note—Contn Sheet

App. Ltr. Gd.

File No.

Serial No.

Note—Contn. Sheet

Serial No

30 Sent to the L & L Secrett.

Sd/-
1/12/25

Sd/-
1.12.25.

L & L Secrett.

31. Bond & Govt order dated 9.8.1892 may be sent

Revised with compts

Sd/-
5/12

Sd/-
5/12

32. Please see the preceding page. The bond has been called for from the Compte. The Govt orders wanted have been put up & flagged

Sd/-
7/12

33. Returned to Compte.

Sd/-
8.12.25.

34 Draft reminder is submitted.

Sd/-
9.12.25

Sd/-
9.12.25

From the Compte to Govt., letter no. S.L.1608 dated 7.12.25.

Forwards the bond executed by the Dewan in respect of Rs 12000 & states that no agreement appears to have been executed in respect of Rs 18000.

35. The agreement recd is put up herewith. The G.O.s have also been put up.

Sd/-
9.12.25

Sd/-
15.12.25.

L & L Secrett

Must have been recd & placed on the file

Sd/-
9.12.25

5

Y & Y

Note—Contn Sheet

App. F. III—2]

File No. of 192

WD 0569—GPB—40.000—31-7-

General and Revenue Secretariat

Serial No.

NOTE—Contn. Sheet

Serial No

36. Submitted with reference to para 21 Supra.

I have carefully perused the records connected with the Case.

37. The facts of the case are fully stated in G.O. dated 15th July 1902 (Flag Y in ~~File~~ Suit File No 22 of 1892-93)

38. Sir Chinnaswami Chetty ~~was~~ was not appointed executor of the estate of P Subbia Chetty the donor After the death of Subbia Chetty, his widow Meenakshiamma was allowed to ~~draw~~ deposit additional deposit of Rs 10,000 & draw interest on Rs 30,000 to be utilized for charity. She was submitting accounts according to her own undertaking contained in her petition dated 21 July 1894 (Flag J), until her death in July 1901.

39. At the request of Seshamma the daughter of late P Subbia Chetty, her husband Sir Chinnaswami Chetty was allowed to manage the charities & to draw interest on Rs 30,000 ~~to be~~

40. In G.O. of 15th July 1902, the Govt passed orders ~~allowing~~ directing Sir C. Chetty to ~~pay~~ apply the interest fully towards the maintenance of the charity ~~accounts of his~~ in lieu of the allowance ~~question~~ I am making it. This order was communicated to accounts to date Chetty Sir Seshamma.

41 From the year 1902, Sir C. Chetty ~~drew~~ is drawing the interest & rendering accounts presumably till 1923.

42. The legal position is that Sir C. Chetty has constituted himself a trustee or manager of the charitable institution

App. r III—2]

WD 0569—GPR

File No of 192

General and Secretaria

Serial No

NOTE—Contn. Sheet

Serial No

upon express terms or conditions imposed by Govt to carry out the intentions of the creator of trust & render accounts to Govt as required by § 9 referred to above & that the consequence ~~to be taken~~ provided by rule 1 of rules issued under § 9 dated 26th Dec 1922 applies to the present contention is not valid

If he fails to render accounts or manage the trust properties in accordance with the terms of trust, he is liable to be removed from his office ~~by~~ & by the Court under Sec 92 of C.P.C.

22 hr Number
Two Rev Sec

526
21.12

17.12

21/12

43 The Trust Govt may be asked to inform Mr Chinnaswami clearly (in the acceptance) Sri Sundaram having been named by him ~~in the~~ as the understanding that accounts, receipts & disbursements will be submitted by the former once a year (as agreed to by Meenakshisundaram originally before Subbaya Chetty in their application to first Bench 21 Aug 94); such accounts & the Schemes for them (with C.C. rules) should be ~~placed~~ written in the ~~Deed~~ Endowments cannot be disturbed by any ~~subsequent action~~ from who are Subject to take suitable action & remove them

21/12

NOTE—Contn. Sheet

App. F, III—2]

WD 0569—GPB—400 —31-7

File No. of 192

General and Revenue Secretariat

Serial No

Serial No

[illegible]

44 Draft [illegible]

22/12 L

45 Draft subd

23/12/25 46 Dft f appd

607/23/12

23/12/1925 I. M.)

W 23/12

L

W 26/12/48

To. The Asst Commr

No 7798 31.12.25

Requests him to inform the petr that the asst in question should be subd by him & that if he fails to do so interest on the endowment will not be disbursed to him & suitable action will be taken to make other arrangements for the management of the Trust

47 Draft returning the original agreement to the Comptr for safe custody is subd for approval & signature. [illegible]

5.1.26

5.1.26 Rev Secy

51 do

Note—Contn Sheet

App. F. III—2]

WD 0569

File No. of 192

General and Secretariat

Serial No.

NOTE—Contn. Sheet

Venue

File No. 669 12 App.

of 192

Serial No

To the Comptroller No. 830/mun 33-25
dt 15-1-26. Returns the agreement
for safe custody.

Note—Contn. Sheet

App pp. F. III—2]

WD 0569—GPB—40,000

File No. of 192 .

General and Revenu Secretariat

Serial No.	

NOTE—Contn. Sheet

SUBJECT

Diary No of letter replied to 176

General and Revenue Secretariat
(Mny)
, the 192

Date of issue 30-9-25

Signed by L Ramaiya.

In forwarding Receipt in original the appeal Petn. Received from

List of enclosures.

Copied by

Examined by

Section Mny
File No. 33-25
Serial No. 2.

No. 367 Enc. one petn & its enclosure.

To The Mny: Commr Mysore Bangalore.

Sir,

~~I am directed to state that~~ Mr. Chinnasamy Setty ~~has appealed~~ to Govt against your order No. D Dis 4 of 25-6 dated 4-7-25 informing him that he cannot be exempted from the obligation referred to in the to maintain & furnish accounts of income and expenditure and also an annual report ~~on~~ of administration of Subb Setty's ~~charities~~ chattram near the city Rly: Station; to request you to ascertain and report as to the nature of accounts

over

which Mr. Chinnasami chetty has been asked to furnish by the Taluk officer and to which he is taking objection.

I have the

Secretary
Rev: Dept.

NOTE—Contn. Sheet

Office of the Muzrai Commissioner in Mysore,

Dated Bangalore, 3rd November 1925.

GEN. & REV SECT. MUZ... D No. 514

From

C. S. Balasundaram Iyer, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

Muz 33-25-3

ENL. & R. SECTT. Br. Muz 5 NOV. 1925 D. SECTION.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

With reference to your letter No.367/M.E.33-25-2 dated 30th August 1925 forwarding for report appeal petition of Mr. B. Chinnasami Setty in connection with Polepally Subbiah Setty's Chattram near the City Railway Station Bangalore I have the honor to submit herewith - copy of letter No.1380-25 dated 24th October 1925 received from the Deputy Commissioner Bangalore District explaining the circumstances of the case. Mr. B. Chinnasami Setty who was at first asked to send an annual report on the administration of the charity with a brief - statement of accounts was subsequently told that it would not be --- generally necessary to furnish a copy of the detailed accounts but the Amildar will, if thought necessary call for and inspect the original. Even this requisition is stated to have not been complied with.

The appeal petition with its enclosures sent with your letter under reference are submitted herewith for reference.

I have thehonor to be,
Sir,
Your most obedient servant,
C S Balasundaram Iyer
Muzrai Commissioner.

KSR.

Letter No.C.3-1380-25 dated 24th October 1925 from the Deputy Commissioner, Bangalore District to the Muzrai Commissioner in Mysore.

"With reference to your letter No.C.349/25-26 dated 3rd -- October 1925 forwarding for report appeal petition of Mr. B. Chinnasami Setty in connection with Polepalli Subbiah Setty's Chattram near the City Railway Station, Bangalore, I have the honor to state that the petitioner's contention seems to be that standing orders and Rules passed subsequent to Government Order No.492-500-22 dated 9th August 1892 in connection with furnishing Reports of Administration and brief statement of accounts of a charitable institution do not apply to charity in question when countersigning the bills for interest on the endowments made.

2. In this connection kind reference is invited to Government Order No.1183-4/Muz.193-24-2 dated 5th February 1925 directing that "Government are not prepared to exempt Mr. Chinnasami Setty from the obligation to maintain and furnish accounts as required by the Rules" The present petition of Mr. Chinnasami Setty is for a review of the said order.

3. When Mr. Chinnasami Setty sent up a bill for Rs.750/- for the half year ending 31st December 1922 for countersignature of the - Taluk Amildar, Mr. Chinnasami Setty was asked to send an annual - report on the administration of the charity with a brief statement of the accounts in accordance with G.O. No.E.4020-70 Edn.399-20-12 dated 26th December 1922 to which he has taken objection.

4. Mr. Chinnasami Setty was further informed in this office --- endorsement issued to him on 19th June 1924 that it would not be generally necessary to furnish a copy of the detailed accounts but the Amildar if he thinks necessary, will call for and inspect the original accounts. Even this requisition has not been complied with by Mr. Chinnasami Setty.

5.

5. The previous papers ending with Bangalore Sub Division Office No.H.C.114/25-26 dated 21st October 1925 and the appeal petition ser with your letter under reply are submitted herewith for reference."

"C o p y"

for Muzrai Commissioner.

KSR.

18

No. Office of the Muzrai Commissioner in Mysore.

~~33/45-46~~
D/Dis 41/45-46.

Dated Bangalore, 11th J u l y 1925.
14 R

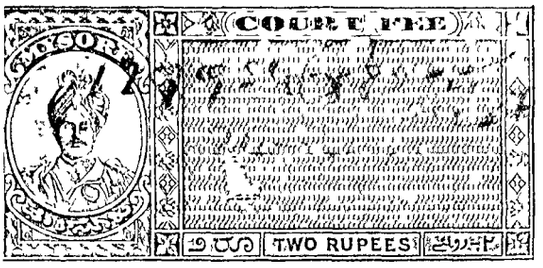
E N D O R S E M E N T.

In reply to his petition dated the 3rd July 1925 in re his appeal against the order of the Deputy Commissioner Bangalore District requiring him to furnish accounts of expenditure incurred along with the bill for the half yearly interest on the --- endowment of Rs.30,000/- made by Subbiah Setty for the support of Subba Setty's chattram near the City Railway Station Bangalore Mr.B. Chinnasami Setty, Visveswarapuram Extension Bangalore is informed that since the deposit was accepted by Government under the rules governing charitable endowments and interest thereon is paid at special rates on that account, it is necessary for Government to satisfy themselves before paying the interest --- annually that it is used for the charitable object ~~from~~ for which -- it is intended and not utilized for other unwarranted purposes. It is with this view that the submission of statement of accounts of income and expenditure has been prescribed. In these------ circumstances it is not possible to grant any exemption from the obligation to maintain and furnish accounts as required by the -- rules.

C S Balasundaram

MUZRAI COMMISSIONER.

KSR.



19

In the Court of the Govt of H.H. the Maharaja of **Bangalore.**

Misc No. of 192 – 1926.

Appellant Plaintiff. *Respondant Defendant.*

B Srinivasa Setty	**Vs.**	

1. I the Appellant above named do, by these presents, retain

MR. H. SRINIVASA MURTHI, B.A., LL.B., *Advocate,*

to appear and conduct the above case on my behalf to judgement.

2. I further empower him to do all necessary acts in the above case, to file all petitions in connection therewith to execute any decree or order that may be passed in my behalf and to receive from the Court all documents, refunds, and all sums of money that may be entitled to get and grant receipts therefor.

3 I also undertake to confirm and ratify all the acts done by the said Advocate or by any other Advocate on his behalf in and respecting the premises acknowledging the same to be done as fully and effectually as if were personally present.

B Srinivasa Setty

BANGALORE,

192

Personally known to me and signed in my Presence.

Accepetd.

Advocate.

SUBJECT .....

.....

.....

Section Mlly

File No. 25

Diary No of letter replied to 564

Serial No

No.

To The Comptr to Govt.

General and Revenue Secretariat

(Mlly)

, the 192

Sir,

In inviting reference to Govt Orders No. 23 Dated (Comptr) Mysore 18th Septr 1872 and G.O.A 333-5/Mly 7.12.72 & 24.9.94 accepting deposits of Rs 12000 and Rs 18000 respectively, for the upkeep of Kalasapalli Siddhia Chelliya Chatram near the City Railway station, Bangalore, I am directed to request that the bonds executed under the rules by the Donor may be kindly sent up to this office for reference & return.

I have etc

over

Date of issue 30th November 1925

Signed by C. Rama

List of enclosures

Copied by

Examined by

if Govt & The State Bank Treasury for Safe custody

Copies of these bonds have also

26/11/25

26.11.25

Secretary

Rev. Dept

25.11.25

23439

VERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

& REV. SECTION
Br. Jmuz.
8 DEC. 1925
Office
Before D. SECTION

In reply please refer to No. S.L. 1608.

Comptroller's Office, Bangalore,

Dated the 7th ~~December~~ 192 5.

D. 669
Muz 33-25-5

B. Srinivasa Iyengar Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Revenue Department, B a n g a l o r e.

Sir,

With reference to your letter No. 671/Muz.33-25-4 dated 30th November 1925, requesting to send the bonds executed under the Charitable Endowment Rules by the Donor Polepalli Subbiah Chetty for the up-keep of the Chattram near the City Railway Station, I have the honor to forward herewith the Agreement in original, for Rs.12,000/- executed by the Donor and to state that an agreement for the balance of Rs.18,000/- does not deem to have been executed.

I have the honor to be,
Sir,
Your most obedient servant,

Assistant Comptroller.

ST
9-12-25

U

B650

T

Section Muz

File No. 33-2-5

Serial No.

No. 779 and misl

To The Muzrai Comr. in Mysore, Bangalore

Sir,

With reference to the correspondence ending with your letter No. C 34 & 25-4 & 5 11-25 reporting on the representation of Mr. Chinnaswamy Setty declining to submit an annual report on the administration of the charity, with brief statement of account in connection with Polepalli Subbiah Setty's chattram near the Bangalore City Railway Station, I am directed to

over

Diary No of letter replied to D. 564 Muz

General and Revenue Secretariat

(Muz)

, the 192

Date of issue 31-12-25

Signed by M. E. V. V.

List of enclosures Case file

Copied by

Examined by SJ 29/12

be so good as to
request you to inform Mr.
Chinnasami chetty that the
acceptance of the endowment
having been sanctioned by
Govt. on the understanding
that accounts of receipts and
disbursements will be subd.
by the Donor once a year (as
agreed to by Meenakshiamma
wife of the late Subbiah chetty
in her application of 21-7-1894),
such accounts should be
submitted by him (Mr. Chinnasami
chetty) and that in the event of his failure to do so
interest on the endowment
cannot be disbursed to him
and the Govt will be obliged to take such
~~to take such action to~~ ~~more fully from~~ measures as they may deem fit for the management
of the trust.

2. The enclosures to your
letter under reference are returned
herewith.

I have etc

Secretary
Rev. Dept
23/12/25

23/12/25

23

B650

SUBJECT .....

30854

DEPARTMENT.

Office of the Comptroller in Mysore,

Bangalore, dated 18 JAN 1926

Section Inwards

File No. 33-25

Serial No.

No. 850 Enclosure

The Comptr (original)
Mysore Bangalore

The Revenue Secretary to Government of Mysore Bangalore

I have the honor to acknowledge the receipt of the following, received with your letter No. cut. dated 850/Inwards 33-25 1925-26

One agreement executed by Mr Polepalli Subbaraichetty.

I am directed return herewith for safe custody the agreement, in original, for Rs 12,000, executed the donor, Polepalli Subbaiah Chetty receive with your letter No S.L. 1608 & 7.12.25

12/16/26

I have the honor to be,
Sir,
Your most obedient sevant,

Nov 1925

Assistant Comptroller.

List of enclosures

Copied by

Examined by

1

for Secy to Govt
Rev. Dept.

over

5.1.26